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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/866,060
		Filing Date	May 25, 2001
		First Named Inventor	Whittaker, James
		Group Art Unit	1633
		Examiner Name	
Total Number of Pages in this Submission	12	Attorney Docket Number	HME/7477.006

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/Declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Part(s)/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an application) <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition To Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Sequence Listing (paper and computer readable copy) Statement of identity of paper and computer copies of Sequence Listing Copy of Notice of Incomplete Reply Acknowledgment postcard
Remarks:		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Howard Eisenberg, Esq. 1600 ODS Tower, 601 S.W. Second Avenue Portland, Oregon 97204-3157
Signature	
Date	December 6, 2001

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.

Type or print name	Howard Eisenberg
Signature	
Date	December 6, 2001

JAN 28 2002

**FEES TRANSMITTAL  
for FY 2002**

*Patent fees are subject to annual revision.*

		Complete if Known			
		Application Number	09/866,060		
		Filing Date	May 25, 2001		
		First Named Inventor	Whittaker		
		Examiner Name			
		Group/ Art Unit	1633		
TOTAL AMOUNT OF PAYMENT		\$460	Attorney Docket No. HME/8134.003		

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)			
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge the indicated fees and credit any over payments to: Deposit Account Number 50-1773 Deposit Account Name Howard M. Eisenberg  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 & 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				3. ADDITIONAL FEES Large Entity      Small Entity Fee    Fee    Fee    Fee    Fee Description    Fee Paid Code   (\$ )   Code   (\$ )   Fee Description    Fee Paid 105    130    205    65 Surcharge - late filing fee or oath 127    50    227    25 Surcharge-late provisional filing fee or cover sheet 139    130    139    130 Non-English specification 147    2,520    147    2,520 For filing a request for ex-parte reexamination 112    920*    112    920* Requesting publication of SIR prior to Examiner action 113    1840*    113    1840* Requesting publication of SIR after Examiner action 115    110    215    55 Extension for reply within first month 116    400    216    200 Extension for reply within second month 117    920    217    460 Extension for reply within third month 118    1,440    218    720 Extension for reply within fourth month 128    1,960    228    980 Extension for reply within fifth month 119    320    219    160 Notice of Appeal 120    320    220    160 Filing a brief in support of an appeal 121    280    221    140 Request for oral hearing 138    1,510    138    1,510 Petition to institute a public use proceeding 140    110    240    55 Petition to revive - unavoidable 141    1,280    241    640 Petition to revive - unintentional 142    1,280    242    640 Utility issue fee (or reissue) 143    460    243    230 Design issue fee 144    620    244    310 Plant issue fee 122    130    122    130 Petitions to the Commissioner 123    50    123    50 Processing fee under 37 CFR 1.17(q) 126    180    126    180 Submission of Information Disclosure Stmt. 581    40    581    40 Recording each patent assignment per property (times number of properties) 146    740    246    370 Filing a submission after final rejection (37 C.F.R. 1.129(a)) 149    740    249    370 For each additional invention to be examined (37 C.F.R. 1.129(b)) 179    740    279    370 Request for Continued Examination (RCE) 169    900    169    900 Request for expedited examination of a design application Other (specify)			
2. <input checked="" type="checkbox"/> Payment Enclosed <input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other							
FEE CALCULATION							
1. BASIC FILING FEE Large Entity      Small Entity Fee    Fee    Fee    Fee Code   (\$ )   Code   (\$ )   Fee Description    Fee Paid 101    740    201    370 Utility filing fee 106    330    206    165 Design filing fee 107    510    207    255 Plant filing fee 108    740    208    370 Reissue filing fee 114    160    214    80 Provisional filing fee SUBTOTAL (1)    \$0							
2. EXTRA CLAIM FEES Extra Claims      Fee from below      Fee Paid Total Claims    15    -20** = 0 x 9 = 0 Indep. Claims    5    - 5** = 0 x 42 = 0 Multiple Dependent          = 0 *or number of previously paid, if greater. For reissues, see below.							
Large Entity      Small Entity Fee    Fee    Fee    Fee Code   (\$ )   Code   (\$ )   Fee Description 103    18    203    9    Claims in excess of 20 102    84    202    42    Independent claims in excess of 3 104    280    204    140    Multiple dependent claim, if not paid 109    84    209    42    **Reissue independent claims over original patent 110    18    210    9    *Reissue claims in excess of 20 and over original patent SUBTOTAL (2)    \$0							
				* Reduced by Basic Filing Fee Paid      SUBTOTAL (3)    \$460			

SUBMITTED BY		Complete (if applicable)			
Name (print type)	Howard Eisenberg	Registration No.	36,789	Telephone	(503) 227-5631
Signature	<i>Howard Eisenberg</i>			Date	December 6, 2001



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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/866,060	05/25/2001	James W. Whittaker	HME/8134.003



Howard M. Eisenberg, Esq.  
Suite 1600  
601 S.W. Second Avenue  
Portland, OR 97204

**CONFIRMATION NO. 4178**  
**FORMALITIES LETTER**



\*OC000000007137548\*

Date Mailed: 11/29/2001

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 08/13/2001 to the Notice to File Missing Parts (Notice) mailed 08/02/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*

  
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PART 2 - COPY TO BE RETURNED WITH RESPONSE